

Family Leave Policy

(Maternity, Paternity, Adoption, Parental, Shared Parental,
Parental Bereavement & Neonatal Leave)

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Policy owner:	Director of People
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At REAch2, our actions and our intentions as school leaders are guided by our Touchstones.



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1.0 Policy Overview

1.1 Overarching Principles

REAch2 Academy Trust recognises its responsibilities to ensure that support is available to employees as they combine career and family responsibilities.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families, e.g. parental leave provisions.

1.2 Scope

The rights described in this policy apply to all employees, including those on temporary contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work, but are subject to length of service.

This policy can be used in conjunction with the Trust's Flexible Working Policy.

1.3 Intended Impact

This policy provides a summary of entitlements, including the qualifying requirements, relating to maternity, leave and pay.

Statutory entitlements are those provided for by employment law. Contractual entitlements form part of an employee's contract of employment.

2.0 Roles and responsibilities

The Director/Head of People will:

- Ensure this policy meets all statutory requirements and is promoted across the Trust.
- Ensure this policy is implemented fairly, consistently and in line with the Trust's equality duties.

The headteacher is responsible for:

- Implementing this policy across the school in line with their statutory duties.
- Understanding the statutory requirements for maternity, paternity, parental, adoption and bereavement leave.
- Approving leave for employees.
- Delegating responsibilities to line managers to sign off leave.
- Ensuring staff are supported.

An employee's line manager is responsible for:

- Arranging 'keeping in touch' (KIT) days for employees on leave.
- Approving requests to take statutory leave, as delegated by the headteacher.
- Discussing an employee's concerns on work and their pregnancy, adoption and/or parenting.
- Conducting risk assessments to ensure the safety of pregnant employees.
- Checking in with an employee following a period of leave to ensure they are supported through their return to work
- Ensuring the appropriate wellbeing support measures are put in place for any employee following the loss of a baby.

Employees entitled to leave are responsible for:

- Requesting leave in line with the processes and timescales laid out within this policy.
- Adhering to statutory timescales to notify the school of pregnancy, adoption, loss and the intention to take parental leave.

3.0 Definition of Terms

Terms relating to pay:

- **SMP:** statutory maternity pay – payable to eligible employees who take maternity leave or leave employment because of pregnancy or childbirth. Payment of SMP is subject to qualifying conditions; subject to deductions for tax, NI and pension contributions, if applicable; and is payable only for complete weeks. Once paid SMP is not repayable.
- **OMP:** occupational maternity pay – enhanced level of maternity pay provided to eligible employees. Sometimes known as CMP (contractual maternity pay).
- **SAP:** statutory adoption pay – payable to eligible employees who take adoption leave. Payment of SAP is subject to qualifying conditions; subject to deductions for tax, NI and pension contributions, if applicable; and is payable only for complete weeks. Once paid SAP is not repayable.
- **MA:** maternity allowance – allowance payable by Department for Work and Pensions (DWP), Jobcentre Plus, to employees not entitled to SMP.
- **MPP:** maternity pay period – the period during which SMP is payable to an eligible employee.
- **Qualifying week:** qualifying week for SMP – the end of the 15th week before the expected week of childbirth (EWC) for the payment of SMP.
- **LEL:** lower earnings limit – point start to be treated as if you have paid NI contributions.

Terms relating to leave:

- **OML:** ordinary maternity leave – the first 26 weeks of maternity leave period
- **AML:** additional maternity leave – the 26-week maternity leave period, immediately following OML. The first 13 weeks of AML is paid, and the second 13 weeks is unpaid.
- **CML:** compulsory maternity leave – the first two weeks following a birth must be taken as maternity leave.

Terms relating to pregnancy/childbirth:

- **EWC:** expected week of childbirth – the week in which the baby is due to be born as certified by the employee's doctor or midwife on the maternity certificate (MAT B1). This period starts on a Sunday and ends on a Saturday.
- **MAT B1:** maternity certificate – the maternity certificate given to a pregnant woman by a doctor or midwife, which states the EWC and is issued after the 20th week of pregnancy. It is required for the payment of SMP.
- **KIT:** keeping in touch days – employees can work up to 10 days during their maternity or adoption leave without bringing their leave to an end. Keeping in touch days are optional – both the employee and employer need to agree to them.

4.0 Maternity Leave Principles

4.1 Eligibility for maternity leave

All employees are entitled to OML for 26 weeks and AML for 26 weeks – 52 weeks in total, regardless of the number of hours worked or length of service. Employees are required to notify the school/line manager of the following at least 15 weeks, or as soon as reasonably practicable, before they intend to begin their leave:

- That they are pregnant
- When their EWC will be and provide a MAT B1 (issued by the midwife after the 20th week of pregnancy)
- When they intend to start their maternity leave.

An employee can amend the date for the start of their maternity leave, providing they give at least 21 days' notice (teaching staff) / 28 days' notice (support staff) unless this is not reasonably practicable.

The line manager will notify the People Team who will respond in writing to an employee's notification of their leave plans within 28 days, setting out their entitlements and the date on which they are expected to return to work. Unless notified otherwise the headteacher/line manager will assume that they will be taking their full entitlement to maternity leave (52 weeks).

Employees may choose when to start their maternity leave, subject to the following constraints:

- The maternity leave period cannot start before the 11th week before the EWC
- The latest date maternity leave can start is the date of childbirth
- The maternity leave period will be automatically triggered if the employee is absent from work wholly, or partly, because of pregnancy after the beginning of the fourth week before the EWC, e.g. pregnancy related sickness absence
- The maternity leave period will be automatically triggered if the baby is born early, in which case maternity leave will start the day on which the baby is born.

A written risk assessment will be carried out by the line manager upon notification that a member of staff is pregnant and is to be kept under ongoing review throughout the pregnancy. The New and Expectant Mothers General Risk Assessment is available on the REAch Intranet.

4.2 Eligibility for pay

To qualify for SMP an employee must have completed at least 26 weeks of continuous service with the Trust by the qualifying week (i.e. the 15th week before the expected week of childbirth).

All eligible staff will receive SMP, whether or not they intend to return to work after maternity leave. To qualify, an employee must have:

- Completed at least 26 weeks of continuous service with the Trust by the qualifying week
- Provided notice and proof of pregnancy (e.g. MAT B1)
- Average earnings above the lower earnings limit for NI contributions.

SMP is a state benefit for women on maternity leave. The conditions for which, and the amount of which, are determined by the Government, but it is paid by the employer.

Average earnings are calculated based on earnings over a statutorily defined period prior to maternity leave. SMP may start on any day of the week

If an employee does not meet the above criteria for SMP, they will be issued an SMP1 form from the People Team and should contact their local social security office (Jobcentre Plus) to enquire about eligibility for MA. Unlike SMP, MA is not paid by the employer. It is paid by the social security office.

Payment of SMP and OMP starts once an employee's maternity leave has begun. It is paid for complete weeks only, processed through payroll, and treated the same way as any other earnings for the purpose of tax, NI, etc.

4.3 OMP

OMP is provided by the Trust to give enhanced benefits to staff who intend to return to work after maternity leave. It comprises pay for 18 weeks during the period of OML.

To qualify an employee must have:

- Completed 1 year's continuous local government service at the beginning of the 11th week before the EWC.
- Completed at least 26 weeks of continuous service with the Trust by the qualifying week.
- Followed the application procedure informing their line manager in writing that they intend to return to work at the end of the period of maternity leave for at least 13 weeks (teaching staff) or 3 months (support staff), excluding sickness absence and extended unpaid leave.

If an employee has fewer than 26 weeks continuous service with the Trust, but at least one year's continuous local government service, they will not be entitled to SMP but may be entitled to OMP.

4.4 Entitlements

A teacher who is eligible will receive:

Week number	Entitlement
First four weeks (Weeks 1-4)	Full pay, inclusive of SMP
Next two weeks (Weeks 5-6)	90% of normal pay, inclusive of SMP
Next 12 weeks (Week 7-18)	50% of normal pay – plus SMP, as long as the total amount does not exceed full pay
Next 21 weeks (Weeks 19-39)	SMP
Remainder 13 weeks (Weeks 40-52)	Maternity leave at no pay

A support/central team member of staff, who is eligible, will receive:

Week number	Entitlement
First six weeks (Weeks 1–6)	90% of normal pay, inclusive of SMP
Next 12 weeks (Weeks 7–18)	50% of normal pay, plus SMP as long as the total amount does not exceed full pay
Next 21 weeks (Weeks 19–39)	SMP
Remainder 13 weeks (Weeks 40–52)	Maternity leave at no pay

Employees can opt to receive the OMP, at half pay, or in a lump sum after their return to work.

33 weeks of standard rate SMP will be at the prevailing SMP amount available on [Gov.uk](https://www.gov.uk), provided earnings are above the lower earnings limit for NI contributions.

Payments made by the Trust during maternity leave shall be made on the understanding that the employee will return to work for a period of at least 13 weeks for teachers (including closure periods) and three months for support staff.

If an employee does not return to work, they are required to refund all monies paid at the discretion of the Trust. If an employee returns to work for part of the period required, they are only required to repay part of the maternity pay. e.g. if they returned to work for 2 out of the 3 months, it would be reasonable to repay 1/3rd of the OMP. Any payments made to employees by way of SMP are not repayable.

4.5 Health and safety at work

An individual risk assessment will be carried out that covers an employee's specific needs when they inform their line manager in writing that they are pregnant, breastfeeding or have given birth in the last six months. As part of the process, the Trust will:

- Review its existing general risk management and controls for pregnant workers and new mothers
- Talk to them to see if there are any conditions or circumstances with their pregnancy that could affect their work
- Discuss any concerns they have about how their work could affect their pregnancy
- Consult with their safety representative or trade union if applicable
- Take account of any medical recommendations provided by their doctor or midwife.

The pregnant employee's line manager will be responsible for undertaking the risk assessment in relation to their work and environment. The risk assessment will be regularly reviewed and any necessary adjustments implemented, e.g. as the pregnancy progresses.

If the risk assessment identifies any specific risks that cannot be avoided, a series of steps to ensure that the staff member is not exposed to that risk will be taken. Some examples of the hazards to consider include:

- Working long hours.
- Stress, and violence.

- Exposure to toxic chemicals or pesticides.
- Manual handling.

If the employee is unable to continue in their post on designated health and safety grounds, due to pregnancy concerns, a discussion will be held with the People Team, and Occupational Health may be consulted for confidential advice and guidance. If the above steps are not possible, this may ultimately result in being suspended from work on full pay to protect the employee and their unborn child.

The Trust is aware of its obligations to undertake a specific risk assessment upon an employee's return to work following maternity leave of absence. Should an employee require provision for breastfeeding, this will be discussed with them at the time, along with any other support required to support them with their return to work.

4.6 Ante-natal care

Once a pregnancy has been confirmed, employees are likely to receive ante-natal care through appointments with a registered medical practitioner, registered midwife or registered health worker.

Employees are entitled to take paid time off during normal working hours to attend authorised ante-natal appointments, provided they produce the documentation giving details of the appointment.

Employees are requested to try to arrange their appointments at the start or end of their working day, whenever possible. Ante-natal care includes appointments with the GP, hospital scans/clinic, relaxation classes or other recommended appointments on medical advice.

Employees are required to provide an appointment card or some other document confirming appointments as far in advance of their appointment, and they must request the leave of absence through the Access payroll system.

4.7 Leave for Partners to attend antenatal appointments

Employees can take unpaid leave to accompany a pregnant woman to two antenatal appointments if they are any of the following:

- The baby's father
- The expectant mother's spouse or civil partner
- In a long-term relationship with the expectant mother
- Expecting a child through surrogacy, as long as they intend to become the child's legal parent.

This time off is usually unpaid and is for a maximum of 6.5 hours (a typical working day) for each appointment. Employees can apply for leave immediately if they're a permanent employee. Employees will need to have been doing a job for 12 weeks before they qualify, if they're an agency worker.

4.8 Arrangements whilst on maternity leave

Arrangements for temporary cover during the period of maternity leave and additional leave, and for enabling employees to keep in touch with any developments at work, are important for ensuring smooth transitions at each stage.

Before starting maternity leave, employees will be informed of the arrangements for covering their work and for remaining in contact whilst they are on leave. These arrangements will be finalised in consultation with the employee by their line manager. If an employee has staff reporting to them, the line manager will try to involve the employee in all decisions relating to the temporary reporting arrangements to cover their maternity leave.

Employees will not be unreasonably requested by their line manager to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not, however, prevent the employee from assisting in the planning for coverage of their work in advance of the maternity leave period.

4.9 Contact during maternity leave

During the maternity leave period, reasonable contact may be required with an employee, in the same way an employee may make contact with their line manager. What constitutes as 'reasonable' contact will vary according to the circumstances. Some individuals are happy to stay in close touch with the workplace and will not mind frequent contact. Others, however, will prefer to keep such contact to a minimum.

The frequency and nature of the contact will depend on a number of factors, such as the following: the nature of the work and post, any agreement that has been reached before the maternity leave began regarding contact, and whether either party needs to communicate important information to the other, for example to be informed of important developments or changes at the school.

This contact may be made in any way that best suits both parties – for example, it could be by telephone, by email, by letter, or involve the employee making a visit to the school.

An employee will, in any event, be kept informed of any relevant promotion opportunities, job vacancies that arise during their maternity leave, and other information relating to their role that they would normally be made aware of if they were working.

4.10 Keeping in touch (KIT) days

Up to 10 days' paid work under an employee's contract of employment may be undertaken at any stage during the maternity leave period, by prior agreement with the school, with the exception of the first two weeks after the baby is born.

KIT days enable employees to:

- work for up to 10 days' without losing a week's maternity pay or ending the period of maternity leave
- keep up-to-date with developments at work
- include working, attending training sessions or meetings.

KIT days and/or any work undertaken during maternity leave must be by prior agreement with the employee's line manager. Neither the line manager nor an employee can insist on it. KIT days can be taken, at any time, during OML* and AML.

If an employee declines to take up KIT days, there will be no loss of maternity benefits or any other detriment suffered as a result of this during maternity leave, and the maternity leave period will not be extended.

Working for any part of a KIT Day will count as one of the 10 KIT days available. Once 10 KIT days have been worked, any further days worked will result in losing SMP for the whole of the week in which work is undertaken.

* Employees need to be mindful that if a KIT Day is worked during the OMP pay period, then the payment can be an offset against the SMP payable, which means the employee may end up with less than if they had not done the KIT Day.

4.11 Annual leave during maternity leave

During the period of OML and AML, all employees will continue to accrue service.

All year-round support staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way. Term time only support staff will accrue contractual annual leave, and teaching staff will accrue statutory annual leave. In limited circumstances they may be owed holiday depending on school closures before and after their maternity leave.

Employees may take their annual leave at the beginning and/or end of their maternity leave. Annual leave accrued prior to the start of the maternity leave period or during the maternity leave period should be taken during the current leave year wherever possible. Employees will be allowed to carry over any accrued statutory annual leave into the next leave year, for a maximum period of 18 months from the end of the leave year it was accrued, if it has not been possible to take it. In some circumstances for term time only support staff, they may have to add accrued annual leave onto the return date of maternity leave to account for the pay element or allow for accrued annual leave to be paid and then the time off accounted for in school closure periods.

4.12 Pension scheme membership during maternity leave

During OML, an employee will contribute the same percentage based on their maternity pay, as will the Trust.

During AML, an employee can either:

- Continue as a contributing member of the pension scheme, making payments equal to the amount contributed immediately prior to the commencement of maternity leave. The Trust, in this case, will make payments equal to the amount contributed immediately prior to commencement of maternity leave; or
- Suspend contributing membership of the scheme – i.e. cease to make payments during AML, and upon return to work, make contributions at the normal amount.

During any period when the employee is receiving SMP, the Trust will:

- Pay all pension costs where the employee participates in the pension scheme.
- (If an employee chooses not to participate in the pension scheme, employee pension contributions are based on SMP) Make up the balance of employee contributions due on the difference between pre-maternity leave salary and SMP, plus employer contributions based on the pre-maternity leave salary.

During any period of unpaid maternity leave, pension contributions to the scheme are suspended and will not be paid by the employee or the Trust. This means that an employee does not accrue any service for this period; therefore, service in the scheme and the resulting pension are reduced by the relevant period.

When an employee returns to work, they will have the opportunity to make up the shortfall in contributions and restore their pensionable service to that which it would have been had they not been on unpaid leave. Any contributions repaid will be based on the pay they would have received had they not been absent. Please speak to the Payroll and Pensions Team for advice.

To make up the shortfall in contributions, an employee would have to pay both the employer and employee contributions during the period.

4.13 Notification of returning to work

Employees are not allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of CML.

Prior to their return to work, they should have an informal meeting with their manager. This will provide an opportunity to update the employee on any developments or consider any retraining needs which may have arisen, because of new/technical or other developments.

If an employee's intention is to return at the end of their full 52 weeks of maternity leave, they do not need to provide any further notice. Their line manager automatically assumes that they will take the full maternity leave unless the employee has notified otherwise.

If an employee intends to return to work before the end of their full maternity leave, they must provide 21 days' notice, in writing, of their intended date of return. This should be sent to their line manager.

If their intention is to only take the OML (26 weeks leave following childbirth), they are entitled to return to the same job they held before they commenced their maternity leave, on terms and conditions that are no less favourable than those that would have applied had they not been absent.

If their intention is to return to work after AML, they will normally be re-employed in their previous post; however, if there are exceptional reasons why this is not possible, they will be employed for similar work, and on terms and conditions no less favourable than if they had not been absent.

4.14 Repayment of additional maternity pay

In the event an employee does not return to work, they shall refund all monies paid, as determined by the Trust. Payments made to an employee by way of SMP are not refundable.

Payment made in excess of SMP becomes repayable if an employee:

- Fails to return to work after their maternity leave. (Note: This will be treated as unauthorised absence and, as such, the school will be entitled to take appropriate disciplinary action, which may include dismissal)
- Decides not to return to work at the end of their maternity leave. (Note: An employee must give the school at least the notice required in line with their contract)
- Leaves within 13 weeks (teaching staff) / 3 months (support staff) of their return to work after maternity leave including closure periods.

4.15 Facilities for breastfeeding and expressing/storing milk at school

The Workplace (Health, Safety and Welfare) Regulations 1992 require employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding.

Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing mothers to express and store milk. This will be identified during the risk assessment or return to work discussion and an agreed location decided upon where the employee can breastfeed or express milk with privacy.

4.16 Parental leave taken immediately after maternity leave

A period of parental leave of four weeks or less has no impact on the right of return of the employee. An employee who takes a period of parental leave of more than four weeks straight after the end of either OML or AML, is treated as though they were returning to work after AML.

Parental leave is a separate entitlement for employees who have completed one year's continuous service with the school to take a period of unpaid leave.

If there is a reason which makes it impracticable for the employee to return to their original job, a similar job must be found. The new job must be such that:

- The work done by the employee is both suitable and appropriate for them to do in the circumstances; and
- The terms and conditions of employment – including the quality of the working environment – are no less favourable than they would have been had they continued to be employed in the old job.
- If the new job that is offered to the employee fulfils the criteria above and the employee refuses it, they will have effectively resigned.
- If the new job that is offered to the employee is not suitable or appropriate or if the terms and conditions are less favourable than they would have been if they had returned to the old job, the employee may bring a claim for sex discrimination or a detriment claim in a tribunal, or might be able to claim constructive dismissal.

4.17 Request to reduce contractual working hours

Requests for flexible working or to job-share will be carefully considered and accommodated wherever possible. Full details relating to employees' rights and the process to request to work flexibly can be found in the REAch2 Flexible Working Policy.

5.0 Paternity/nominated Carer leave

Statutory paternity leave and paternity pay is available to fathers and the partners of mothers of children. The provisions apply whether the employee's service is full time or part time (irrespective of the number of hours), or is permanent or temporary, subject to the conditions of the scheme being met.

All employees (regardless of gender) who are acting as the 'prime' or 'nominated carer' for the mother/child may request nominated carers' leave. They are subject to the same provisions as applied to employees requesting paternity leave.

The entitlement is an allowance of either 1 or 2 weeks leave which can be taken as 2 weeks together or 2 separate blocks of 1 week. (subject to eligibility as outlined below). In order to apply for birth leave, they will need to complete the Paternity Leave Notification Form and submit to line manager.

5.1 Statutory Paternity Leave Principles

To qualify, an employee must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother.
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the 15th week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas).
- Give proper notice to their line manager of their intention to take statutory paternity leave.

Employees eligible for the statutory scheme have the right to choose to take one or two weeks' leave (not odd days). These can be in one block or two separate blocks. It cannot be taken before the birth (or placement) of the child and must be taken within 52 weeks of the birth (or placement).

To apply for nominated carer's leave, the employee must provide their line manager with the due date, when they want the leave to start, for example the day of the birth or the week after birth, and if they want 1 or 2 weeks leave. Employees must comply with notification requirements as set out below.

An employee must notify their employer as soon as reasonably practicable, but as a minimum with 28 days' notice, that they intend to take paternity leave. The Paternity Leave Notification Form can be used to give notice of leave and to apply for statutory paternity pay (SPP). The notice must specify the length of leave to be taken and the date the employee wishes the leave to commence.

If the employee wishes to change the start date, they must give 21 days' notice, in writing if requested.

5.2 Paternity pay

If an employee is entitled to SPP and leave, it will be paid at full pay.

Any money you get is paid monthly in your normal salary and is subject to tax and national insurance deductions.

To qualify, employees must:

- Be employed up to the date of birth
- Earn at least £123 a week (before tax)
- Give the minimum of 28 days' notice (4 weeks)
- Have been continuously employed for at least 26 weeks up to any day in the qualifying week (which is the 15th week before the baby is due).

5.3 Entitlement to maternity support leave – support and central team members of staff (under the Green Book)

Maternity support leave of five days with pay shall be granted to the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth.

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

6.0 Adoption Leave Principles

Statutory adoption leave is available to parents to prepare for adoption or to care for a newly placed adoptive child.

Only one parent may take full adoption leave, with the other parent being entitled to statutory paternity leave. It is the choice of the adoptive parents of the child which parent will take adoption leave, and the school will not make unwarranted assumptions, or discriminate, based on sex, gender or sexual orientation where offering provisions of adoption leave.

The employee will be subject to all other entitlements and conditions of the appropriate maternity scheme, including the obligation to return to work for a minimum of 13 weeks (for teachers) or 3 months (for support staff) in order to retain the adoptive leave pay.

In cases where both parents are employed by the school, and assuming that both parents are eligible, the total leave entitlement (i.e. the post confinement leave aggregated with the two working weeks' adoptive paternity leave) can be combined and shared between the two employees at their discretion.

6.1 Pre-adoption leave

An employee adopting a child on their own is entitled to paid time off to attend up to five pre-adoption appointments after they have been matched with a child. Where an employee is adopting jointly with another individual, the individuals may choose which adoptive parents can take this paid time off. The other parent will be entitled to unpaid time off to attend up to two pre-adoption appointments.

Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during school closure periods/annual leave. However, it is recognised that this is not always practical and, as such, employees will be given reasonable paid time off.

Employees are asked to inform their line manager as far in advance as possible, of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if employees could try to arrange appointments at the beginning or the end of the day, although it is recognised this may not always be possible.

Employees must be prepared to show proof of an appointment. The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate, provided they have complied with the above requirements.

If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during school closure periods or by using normal annual leave arrangements. Time off for this reason will not be granted.

6.2 Adoption leave

An employee adopting a child is to be allowed comparable leave and pay arrangements as applies to birth mothers. Accordingly, an employee who satisfies the full criteria and conditions of the maternity scheme specific to their conditions of service will be entitled to the following:

- All employees are entitled to ordinary adoption leave of 26 weeks' duration.
- A further 26 weeks of additional adoption leave, – a total of 52 weeks' adoption leave for employees who have 26 weeks' continuous service ending with the week in which they are notified of being matched with a child for adoption
- Be subject to all other entitlements and conditions of their maternity scheme.

Adoption leave will begin on the placement date or up to 14 days before the placement date.

Where an employee chooses to begin leave on the placement date and they are at work on that date, leave begins the following day. Both ordinary and additional adoption leave is to be taken in one block within a 12-month period from the date of placement unless otherwise agreed with the Trust.

The employee will be required to notify their line manager of their intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption/placement and the employee should inform their employer no more than seven days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.

The Trust will respond to an employee's notification of their leave plans within 28 days by writing to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification and, unless otherwise notified, the Trust will assume that the employee will be taking their full entitlement to adoption leave

6.3 Adoption pay

Payments for employees who have less than one year's continuous service at the beginning of the 11th week before the week of the child's placement shall be the employees' entitlement to SAP.

SAP will be paid for 39 weeks, or if earlier, until the date the employee returns to work, or for eight weeks after the end of the week the placement is disrupted.

The contract of employment continues during adoption leave. The employee receives all contractual benefits during the full period of adoption leave.

Employees are subject to all other entitlements and conditions of the Trust's maternity scheme above, including the obligation to return to their job for a period of at least 13 weeks for teaching staff, 3 months for support staff, to retain the occupational pay element.

An employee shall not be entitled to SAP in the case of:

- Private adoption – private adoption refers to any adoption not arranged by an agency or organisation, i.e. when the adoptive parents find a birth mother or baby or child privately
- The adoption of a step-child by a step-parent
- The adoption of a foster child by a foster parent
- Those who become parents through arrangements with a surrogate mother.

6.4 Adoptive paternity leave and pay

Statutory paternity leave for adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The paternity leave provisions, will apply to employees who:

- Are adoptive fathers.
- Are the spouse or partner of the main adopter.
- Will have responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match.
- Have given notice and evidence to their line manager.

6.5 Entitlement to adoption support leave – support and central team members of staff (under the Green Book)

Adoption support leave of five days with pay shall be granted to the partner or nominated carer of the primary adopter at or around the time of placement.

A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

7.0 Surrogacy Principles

An employee who becomes a parent through surrogacy arrangements is not entitled to statutory adoption leave and pay.

Employees will instead be entitled to unpaid parental leave upon becoming a parent, providing that:

- They intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship)
- They meet the qualifying conditions outlined in adoption leave and pay part of this policy.

The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria and provisions outlined this policy, will be eligible to take paternity leave.

Employees acting as surrogates are entitled to the same full maternity leave, pay and provisions as any other pregnant employee.

8.0 Parental Leave Principles

Parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.

Employees are entitled to a total of 18 weeks' leave for each qualifying child. Parental leave is for each child and, therefore, if an employee has twins the leave is doubled.

Employees can take a maximum of four weeks per year per child, which can be taken in blocks or multiples of one week.

8.1 Qualifying conditions

Parents (or adopters) of children up to the age of 18 may have the right to parental leave. To qualify, employees must have one year's continuous service. Parental leave is an individual right and cannot be transferred between parents.

If employees are separated from the spouse or partner and don't live with their child (or children), they maintain the right to parental leave if they keep formal parental responsibility for the child (or children).

Foster parents do not have the right to parental leave but may be able to request a flexible working pattern.

8.2 Requests for parental leave

Employees wishing to request a period of parental leave, must make a request to the Headteacher/line manager giving at least 28 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end.

The Trust can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child; evidence might take the form of information contained in the child's birth certificate or adoption papers, etc.

An employee may elect to take a period of parental leave from the date of child birth or from the date of adoption, in which case the Trust cannot delay the date of the leave. The employee must give 28 days' notice before the EWC, or 28 days before the week in which adoption placement is to occur.

If an employee wishes to take a period of parental leave immediately following their maternity leave, they should also ensure that they makes the request to their Headteacher/Line manager, giving at least 28 days' notice.

8.3 Returning to work

At the end of parental leave period, the employee is entitled to return to the same job as before, if the leave was for a period of four weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while they have been away.

If the parental leave period was more than four weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the previous job.

9.0 Shared Parental Leave Principles

Shared parental leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and both with, their child. All eligible employees have a statutory right to take shared parental leave, and may be entitled to some shared parental pay.

The Trust recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. Staff members should address their line manager or help@reach2.org with any questions regarding shared parental leave and pay or [Shared Parental Leave and Pay: How it works – GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/shared-parental-leave-and-pay-how-it-works) for further advice and guidance.

9.1 Eligibility for SPL

SPL can only be used by two people – the child's mother, biological or adoptive, and one of the following:

- The father or other legal parent of the child
- The spouse, civil partner or partner of the child's mother

Employees seeking to take SPL must satisfy each of the following criteria:

- The mother of the child must be, or have been, entitled to statutory maternity leave or adoption leave; be, or have been, entitled to SMP, adoption pay or maternity allowance; and must have ended, or given notice to reduce, maternity or adoption entitlements
- The employee must still be working for the Trust at the start of each period of SPL
- The employee must have a minimum of 26 weeks' service at the end of the 15th week before the expected week of childbirth or placement
- The employee's partner must have worked for 26 weeks and earned an average of at least £30 a week for any 13 weeks in the 66 weeks leading up to the expected week of childbirth or placement
- The employee must correctly notify their line manager of their entitlement and provide evidence as required
- Both parents are required to share primary responsibility for the care of the child to be eligible for SPL or shared parental pay

9.2 SPL entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's entitlement to maternity or adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

SPL can only be taken in complete weeks, but may begin on any day of the week, e.g. if a week of SPL began on a Tuesday, it would finish on a Monday. A mother may reduce their entitlement to maternity or adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother is not entitled to maternity or adoption leave but is entitled to SMP, SAP or MA, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The other legal parent, or spouse or partner of the mother, can take SPL immediately following the birth or placement of the child, but may first choose to exhaust any paternity leave entitlements, as the other legal parent or partner cannot take paternity leave or pay once they have taken any SPL or shared parental pay

Where a mother gives notice to curtail their maternity or adoption entitlement, then the mother's partner can take leave while the mother is still using their maternity or adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice,

If the employee is eligible to receive it, shared parental pay may be paid for some, or all, of the SPL period. **SPL must end no later than one year after the birth or placement of the child.** Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

9.3 Notification of an entitlement to, and intention to take, SPL

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL, by completing the Shared Parental Leave Notification Forms.

Part of the eligibility criteria requires the employee to provide the school with correct notification. Notification must be in writing and requires each of the following:

- The name of the employee
- The name of the other parent
- The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available
- The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption
- The amount of SPL the employee and their partner each intend to take
- A non-binding indication of when the employee expects to take the leave

The employee must provide the school with a signed declaration stating:

- That they meet, or will meet, the eligibility conditions and are entitled to take SPL.
- That the information they have given is accurate.

- If they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.
- That should they cease to be eligible they will immediately inform the school.

The employee must provide the school with a signed declaration from their partner confirming:

- Their name, address and national insurance number, or a declaration that they do not have a national insurance number.
- That they are the legal parent of the child, or the partner of the primary legal parent, i.e. the mother.
- That they satisfy the employment and earnings criteria (having worked for 26 out of the 66 weeks leading up to the expected week of childbirth or placement and having been paid at least £30 per week in at least 13 of those weeks) and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the employee.
- That they consent to the amount of SPL that the employee intends to take.
- That they consent to the school processing the information contained in the declaration form.
- That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

The school may also request the name and address of the partner or other parent's employer, a copy of the child's birth certificate, or documentary evidence that a child has been adopted by the employee.

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row). Employees have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice. An employee may submit up to three separate notifications for continuous periods of leave.

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the line manager may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the school/team. The line manager will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

The line manager will consider each request for discontinuous leave on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. The line manager will inform employees in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

9.4 Statutory shared parental pay

Eligible employees may be entitled to take up to 37 weeks shared parental pay while taking SPL. The number of weeks available will depend on the amount by which the mother reduces their maternity or adoption pay period or maternity allowance period.

Shared parental pay may be payable during some or all of SPL, depending on the length and timing of the leave. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim shared parental pay must further satisfy each of the following criteria:

- The mother must be, or have been, entitled to statutory maternity or adoption pay or maternity allowance and must have reduced their maternity or adoption pay period or maternity allowance period
- The employee must intend to care for the child during the week in which shared parental pay is payable
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date or placement date are not less than the lower earnings limit in force for national insurance contributions
- The employee must remain in continuous employment until the first week of shared parental pay has begun
- The employee must give proper notification.

Where an employee is entitled to receive shared parental pay, they must, at least eight weeks before receiving any shared parental pay, give their line manager written notice advising of their entitlement to shared parental pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for shared parental pay must include:

- The start and end dates of any maternity or adoption pay or maternity allowance.
- The total amount of shared parental pay available, the amount of shared parental pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim shared parental pay.
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for shared parental pay and that they will immediately inform their line manager should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- Their agreement to the employee claiming Shared parental pay and for the Trust to process any shared parental pay payments to the employee.
- That they have reduced their maternity or adoption pay or maternity allowance, in the case that the partner is the mother.
- That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any shared parental pay due will be paid at a rate set by the Government for the relevant tax year.

10.0 Parental Bereavement Pay and Leave Principles

Where an employee's child dies before they turn 18, or if they have a stillbirth after 24 weeks of pregnancy, they may be able to take two weeks' leave from the first day of employment. The leave can start on or after the date of the loss or stillbirth and can be taken as two consecutive weeks, two separate weeks or only one week of leave – however the leave is taken, it must finish within 56 weeks of the date of the loss or stillbirth.

Where an employee is taking another type of statutory leave (e.g. maternity leave following a stillbirth) when there is a loss of a child or the stillbirth happens, their parental bereavement leave will start after the other leave has ended but does not have to be taken immediately after.

10.1 Eligibility for leave

To be eligible for leave, the employee may have been, at the time of the loss of a child or stillbirth:

- **The child's biological parent**, where no adoption or parental order was made, unless there was a contact order in place.
- **The child's adoptive parent**, after the adoption order was granted, or before if the child was already placed with them and that placement was not interrupted. If the child was adopted from abroad, parental leave can be granted if the child was living with the staff member after entering Great Britain or they have an 'official notification' confirming the adoption.
- **A parent of the child where the child was born to a surrogate**, where a parental order was made, or before if they had applied or intended to apply for a parental order within six months of the child's birth and expected it to be granted.
- **The partner of the child's parent.**
- **Taking care of the child**, i.e. the child was living with them at their home for at least four continuous weeks ending with the date of loss.
- **The individual that had day-to-day responsibility for the child** during the time of the loss of the child.

Employees who were being paid to look after the child prior to their death will not be eligible for parental bereavement leave unless they were:

- A foster parent being paid a fee or allowance by an LA.
- Reimbursed for expenses related to caring for the child.
- Getting payments under the terms of a will or trust for the child's care.

Before eight weeks after the loss of their child or still birth, an employee will be expected to notify their line manager prior to the time they would normally start work on the first day of the week or weeks they want to take off from work.

Where it is between nine and 56 weeks after the loss of their child or still birth, an employee will be expected to notify their line manager at least one week prior to the start of the week or weeks they want to take off from work.

The line manager will not require notifications of parental bereavement leave to be submitted in writing; however, will require that all notifications include:

- The date of the loss of the child or stillbirth.
- When the employee intends parental bereavement leave to begin.
- How much leave they are planning on taking, i.e. either one or two weeks.

10.2 Eligibility for statutory parental bereavement pay (SPBP)

To be eligible for statutory parental bereavement pay (SPBP), employees must have been continuously employed at the Trust for at least 26 weeks up to the end of the relevant week, i.e. the week immediately before the week of the death or stillbirth, ending with a Saturday.

They must also:

- Continue to be employed at the Trust up to the day of the loss of the child or stillbirth.
- Earn on average £123 per week before tax over an eight-week period.
- Provide their line manager with the correct notice information.

SPBP must be requested within 28 days, starting from the first day of the week that the employee is claiming payment for. The line manager will require employees to submit the following information in writing to confirm the entitlement to SPBP:

- The employee's name
- The dates of the period that they wish to claim SPBP
- The date of the loss of the child or stillbirth.

The line manager will also require employees requesting SPBP to confirm that they are eligible due to their relationship to the child. This can be completed through the Government's [online declaration form](#).

The payroll team will use the government's [tables](#) to help manually calculate a staff member's eligibility and, where they are eligible, when SPBP is due to be paid.

10.3 SPBP for staff members whose employment is temporary, periodic or otherwise irregular

The Trust will treat temporary or periodic workers, e.g. supply teachers, as employees for PAYE tax and Class 1 National Insurance contributions (NICs), and will therefore pay these workers SPBP if they satisfy the above qualifying conditions and:

- The Trust has to deduct PAYE tax and Class 1 NICs from the irregular worker's earnings; or
- The Trust would deduct PAYE tax and Class 1 NICs if their earnings were high enough.

The Trust will treat irregular workers as having worked in the relevant week, i.e. the week immediately before the one in which the child died or was stillborn, if they are unwell throughout the relevant week, or not required to work during that week. This will apply even if they do not resume work before commencing their bereavement.

Where employees work for more than one employer, they are entitled to receive SPBP from the Trust as well as their other employer(s).

Where employees have more than one job at the Trust, all of their earnings from their different jobs will be added together to work out Class 1 NICs, and therefore these employees will be eligible for one lot of SPBP – two weeks of pay which can be taken together or separately.

10.4 SPBP and changes within the Trust

Where an employee who is in receipt of SPBP, or is due SPBP but has not yet taken it, the Trust will continue paying SPBP to the employee, provided that all qualifying conditions have been met.

Where an employee receives a backdated pay rise, the Trust will recalculate their AWE and pay any extra SPBP due to them. If the employee was not previously entitled to SPBP, the Trust will recalculate their AWE and check whether their entitlement has changed.

Where an employee eligible for SPBP leaves their job at the Trust, they will not receive SPBP if they left prior to the loss of the child or stillbirth – the Trust will pay SPBP if the employee left after the date of the loss or still birth and do not work for a new employer during the week in which SPBP is being paid.

10.5 Miscarriages

If an employee's baby is stillborn before the end of the 24th week of pregnancy, it is treated as a miscarriage. In these cases, the employee or a partner would not be eligible for maternity or paternity leave or pay; however, other options are available.

If the employee is not well enough to work following a miscarriage, they will be entitled to statutory sick leave and pay. The employee will be able to self-certify their sick leave for the first seven days of their absence and will need a doctor's note for any time period beyond that.

Any time off due to a miscarriage will be treated as a pregnancy-related sickness. There is no time limit on sickness absence following a miscarriage – if the employee's GP has certified their sickness as pregnancy-related, this will apply for as long as their sick leave lasts.

An employee who has experienced a miscarriage will also be entitled to a period of compassionate leave. This can be taken after any period of sick leave. The length of leave is to be discussed with the employee and line manager.

If an employee's partner has experienced a miscarriage, they will not be entitled to pregnancy-related leave or sickness absence; however, they will be entitled to a period of compassionate leave. The employee will need to discuss their leave options with their line manager.

10.6 Wellbeing support

The Trust understands that experiencing a miscarriage or other parental bereavement is extremely difficult for all those involved. A supportive workplace environment will be fostered to ensure employees feel able to discuss their pregnancy and any bereavement with their colleagues and line manager.

The employee's line manager will keep in contact with the employee throughout any period of absence and will ensure the necessary support is put in place for their return to work. The line manager and employee will discuss what reasonable adjustments can be put in place to support the employee at work, and who, if anyone, the employee would like to be informed about the situation.

The employee's line manager will ensure the employee is aware of the wellbeing support available both within the Trust and externally, to them and their immediate families.

11.0 Neonatal Leave Principles

Neonatal care leave (NCL) entitles employees to a day one right to leave from work if their baby receives neonatal care (care of a medical or palliative nature) for more than 7 continuous days, before the baby reaches 28 days of life. The length of leave will be based on how long their baby receives neonatal care, up to 12 weeks.

Key Principles

- Both parents are entitled to take NCL
- Eligible employees will be entitled to receive "statutory neonatal pay" for the duration of their baby's neonatal care, up to 12 weeks if they meet minimum length of service and earning requirements (similar to other types of parental leave).
- NCL can be taken in one block (e.g. at the end of family leave) or taken as non-consecutive blocks of at least one week.
- Employees will have 68 weeks to take their leave and pay entitlement from the first date of admission to neonatal care which means that they will be able to take their full entitlement to neonatal leave and pay in addition to other types of parental leave (including maternity, paternity, adoption and parental bereavement leave and pay).
- The right to NCL is per child, therefore if an employee has multiple births (e.g. twins) and both require neonatal care, the total NCL will be added together. This will be capped at 12 weeks in total.
- Employees will have different notice requirements based on when they intend to take their leave: requirement to notify employer that they intend to take leave and pay immediately, if their baby is currently receiving neonatal care or very recently discharged, or to give notice at least twice as long as the length of leave being taken (capped at 4 weeks) if they intend to take leave after their baby's stay.
- Employees who qualify for maternity leave will take their accrued neonatal leave *after* their maternity leave ends, this is because maternity leave will be triggered by the birth of the baby and cannot be paused and restarted. Similarly, if taking adoption leave, neonatal leave will be taken once this has ended.
- The interaction of other types of statutory parental leave (shared parental leave and paternity leave) with neonatal leave will be more flexible as these can be used at different times. For example, paternity leave can be used at any time between the birth of the baby and 52 weeks from birth (or due date in the case of prematurity).

11.1 Notifying of NCL

An employee should notify their line manager if their baby has been admitted to neonatal care (for at least 7 consecutive days). Their line manager should take a note of the date that the baby was admitted into neonatal care and discuss with the employee their leave options.

The employee should notify their line manager once the baby has been discharged from neonatal care. The line manager should take a note of the date that the baby was discharged. Once the leave options have been agreed and the neonatal dates have been confirmed, the line manager must notify the People Team to ensure that the leave is accurately recorded and processed.

11.2 Taking NCL

If the employee is the primary carer (and taking a period of maternity or adoption leave), the leave can be taken after their maternity/adoption leave has ended or curtailed (if moving onto Shared Parental Leave). They can choose to take this leave immediately after maternity/adoption leave (before they return to work) or at a different time (no later than 68 weeks after the baby's date of birth).

Once notified of NCL, the Trust will write to the employee with an updated return to work date, confirming the NCL directly after their maternity/adoption leave.

If NCL is being taken immediately, or directly after a period of family leave, the line manager must notify the People Team of the arrangements.

If the employee chooses to take the leave at a different time, the employee must ensure that they provide advanced notice to take this leave (capped at 4 weeks).

11.3 During NCL

All terms and conditions, except salary, remain the same during a period of NCL.

11.4 NCL Pay

To qualify for neonatal pay, an employee must have been continuously employed for at least 26 weeks before the EWC and earn more than the lower earnings limit.

As a statutory entitlement, neonatal pay will be mandated at the statutory pay level as set by the Government.

12.0 Policy Review

The Family Leave (Maternity, Paternity, Adoption, Parental, Shared Parental, Parental Bereavement & Neonatal Leave) Policy will be reviewed every 3 years or sooner, taking into account any legislative changes. The outcomes of the policy will be reviewed in line with equalities legislation and the public sector equality duty.

Any changes made to this policy will be communicated to all relevant stakeholders.